



July 13, 2023

Dr. Michael V. Drake
President
University of California
1111 Franklin Street
Oakland, CA 94607

Dr. Carol T. Christ
Chancellor
University of California, Berkeley
200 California Hall # 1500
Berkeley, CA 94720

Dear President Drake and Chancellor Christ:

We write to you to express our grave concern about the University of California, Berkeley's (Berkeley) joint institute with state-controlled Tsinghua University and the Shenzhen government. With locations in the People's Republic of China (PRC) and the U.S., the Tsinghua-Berkeley Shenzhen Institute (TBSI) gives the PRC easy access to Berkeley research and expertise, which the Chinese Communist Party (CCP) can then use to its economic, technological, and military advantage.¹

The CCP abuses seemingly innocuous research collaborations like the one between Berkeley and Tsinghua to advance PRC science and technology goals at the expense of the United States. Under the CCP strategy of military-civil fusion, seemingly civilian technologies—such as those developed through university collaborations—are mobilized to support the People's Liberation Army (PLA). The PRC has sent thousands of military scientists abroad to gather scientific-military know-how, obtain sensitive details regarding research projects and emerging technologies, and to gain access to American academics, their research, and their networks.²

Berkeley's PRC-backed collaboration with Tsinghua University raises many red flags. First, TBSI is engaging in research in dual-use technologies that will likely be used to advance the PRC's military or intelligence capabilities. Second, TBSI is collaborating with PRC universities and companies that the U.S. Government has banned from receiving sensitive U.S. technology, which raises concerns about whether TBSI may be helping such blacklisted actors to access such

¹ TBSI, "TBSI Homepage," <https://web.archive.org/web/20230705213915/http://www.tbsi.edu.cn/english/>.

² ASPI, "Picking Flowers, Making Honey," <https://www.aspi.org.au/report/picking-flowers-making-honey>; U.S. Department of Justice, "Former Harvard University Professor Sentenced for Lying About His Affiliation with Wuhan University of Technology; China's Thousand Talents Program; and Filing False Tax Returns," <https://www.justice.gov/usao-ma/pr/former-harvard-university-professor-sentenced-lying-about-his-affiliation-wuhan>.

technologies. Third, despite billing itself as an academic partnership, in practice one of TBSI's main functions is to facilitate PRC funding of Berkeley research—all while reportedly failing to disclose funding from the city of Shenzhen and from Tsinghua.³

First, TBSI has engaged in research in dual-use technologies that could be leveraged for the PRC's intelligence and military purposes.⁴ For example, TBSI engaged in a study advancing LIDAR imaging technology, a study of a self-powered vibration sensor, as well as an effort to develop a soft robot.⁵ In fact, TBSI's research priorities bear striking resemblance to the PRC's science and technology priorities—some appear to track the PRC's 13th Five-Year Plan almost word-for-word—raising significant questions about whether American knowhow and taxpayer-funded research may be contributing to the PRC achieving its military and technological goals.⁶ TBSI is also engaging in research related to semiconductor chips, as the PRC looks to advance significantly its production of semiconductors. A TBSI team won a contest for technology to optimize 7 nanometer chip technology in April 2023—months after the U.S. announced export controls on advanced semiconductor manufacturing items to the PRC.⁷

Second, TBSI has collaborated with PRC universities on the Commerce Department's Entity List, which restricts the export of certain technologies and items to entities that threaten U.S. national security interests.⁸ TBSI students have also gone on to work at entities linked with the PLA, including the University of Electronic Science and Technology of China (which is on the Entity List) and the China National Space Administration.⁹ Troublingly, Berkeley faculty who also serve as TBSI faculty have received hundreds of thousands of dollars for research projects from the Defense Advanced Research Projects Agency and the U.S. Navy, among other entities—raising further concern about PRC access to these experts.¹⁰

³ Yuichiro Kakutani, “Berkeley’s \$220M Mistake Exposed in Massive Deal With China,” <https://www.thedailybeast.com/uc-berkeley-failed-to-disclose-dollar220m-tech-deal-with-china-to-us-government>.

⁴ PRC media has reported that Tsinghua SIGS, which it described as an extension of Tsinghua Shenzhen Graduate School and TBSI, “has [...] played an irreplaceable role in overcoming ‘chokepoint’ challenges in the arenas of research and development for military and defense as well as national economy.” Shenzhen Special Economic Zone Daily, <https://www.tsinghua.edu.cn/info/1182/89866.htm>.

⁵ TBSI, “Hongyan Fu’s research team publishes review on technological breakthroughs in on-chip LIDAR systems in Nature,” <http://www.tbsi.edu.cn/english/2022/0419/c4810a58280/page.htm>; TBSI, “New highly sensitive tribo electric vibration sensor developed,” <https://www.tbsi.edu.cn/english/2022/1012/c3752a58183/page.htm>; TBSI, “Xiaohao Wang/Liwei Lin Group in TBSI Develop Insect-Inspired Soft Robot,” <http://www.tbsi.edu.cn/english/2019/0805/c3758a27863/page.htm>.

⁶ TBSI, “TBSI areas of research,” <https://web.archive.org/web/20230706002625/http://www.tbsi.edu.cn/english/4994/list.htm>; CSET, “National 13th Five Year Plan,” <https://cset.georgetown.edu/publication/national-13th-five-year-plan-for-the-development-of-strategic-emerging-industries/>.

⁷ TBSI, “TBSI RIOS Team Wins Innovation Contribution Award in OpenROAD 7nm Design Competition,” <https://www.tbsi.edu.cn/2023/0412/c4940a62557/page.htm>; U.S. Department of Commerce, “Commerce Implements New Export Controls on Advanced Computing and Semiconductor Manufacturing Items to the People’s Republic of China (PRC),” <https://www.bis.doc.gov/index.php/documents/about-bis/newsroom/press-releases/3158-2022-10-07-bis-press-release-advanced-computing-and-semiconductor-manufacturing-controls-final/file>.

⁸ TBSI, “Research Project with National University of Defense Technology,” <https://www.tbsi.edu.cn/2023/0222/c3694a59676/page.htm>; Nature, “TBSI,” <https://www.nature.com/nature-index/institution-outputs/china/tsinghua-berkeley-shenzhen-institute-tbsi/583c0957140ba0065c8b4573>.

⁹ Screenshots on file with Select Committee.

¹⁰ Available at <https://publicaccess.dtic.mil/search/#/grants/grantHome>.

Representatives of Entity List companies like Huawei also sit on TBSI's advisory board, which seeks to strengthen ties between industry and TBSI.¹¹ TBSI has sought to collaborate with PRC companies since its inception; a 2015 memorandum states that TBSI "will strengthen campus ties to Chinese companies which will be able to sponsor campus research in China and in Berkeley."¹² The memorandum lists as an example of potential research support Shenzhen-based Tencent, a company that helps facilitate the CCP's human rights abuses.¹³ Both China Daily—a CCP mouthpiece—and a local CCP newspaper have touted TBSI's close links to industry, including by highlighting TBSI's collaboration with industry to "break [the] international technology monopoly."¹⁴

Third, while TBSI is billed as a joint technology venture among educational institutions, in practice, it appears to be a program through which the PRC pays for access to research and expertise from Berkeley experts, researchers, and students. Berkeley makes in-kind talent contributions to TBSI in the form of research services, expertise, and academic mentoring of graduate students in Shenzhen and Berkeley, while Berkeley's PRC counterparts provide funding.¹⁵ Berkeley researchers (core principal investigators) are required to advise Tsinghua researchers in Shenzhen, expected to spend eight weeks there per year, and may mentor Tsinghua students.¹⁶

Despite this extensive collaboration, publicly available information suggests that Berkeley has failed to disclose properly its contracts with its PRC partners as required by law. Specifically, section 117 of the *Higher Education Act* requires institutions of higher education that receive federal financial assistance to disclose any gifts received from, and contracts with, a foreign source that, alone or combined, are valued at \$250,000 or more in a calendar year.¹⁷ Berkeley appears to have never declared any gift or contract from the PRC government,¹⁸ notwithstanding a reported agreement by the Shenzhen government to provide \$220 million to build a campus in Shenzhen.¹⁹ In addition, Tsinghua University's U.S.-based 501(c)(3) entity, the Tsinghua Education Foundation North America (TEFNA) agreed to provide Berkeley with millions of dollars to set up TBSI—however, Berkeley apparently did not view this funding as subject to disclosure under Section 117.²⁰

¹¹ TBSI, "TBSI Faculty Overview," <http://www.tbsi.edu.cn/english/5063/list.htm>.

¹² UC Berkeley, "Establishment of a Jointly Operated Research and Education Institution with Tsinghua University in Shenzhen, China, Berkeley Campus," <https://regents.universityofcalifornia.edu/regmeet/july15/e2.pdf>.

¹³ Freedom House, "Worried about Huawei? Take a closer look at Tencent," <https://freedomhouse.org/article/worried-about-huawei-take-closer-look-tencent>.

¹⁴ Nanfang Daily, "Tsinghua-Berkeley Shenzhen Institute joins hands with Shenzhen enterprises to break international technology monopoly," <https://www.tsinghua.edu.cn/info/1182/46482.htm>. China Daily, "Tsinghua-Berkeley Shenzhen College settled in Nanshan Smart Park," http://www.chinadaily.com.cn/dfpd/sz/2015-01/21/content_19366334.htm.

¹⁵ UC Berkeley, *supra* note 12.

¹⁶ *Id.*

¹⁷ § 117 of the Higher Education Act of 1965 (20 U.S.C. § 2011f).

¹⁸ See <https://sites.ed.gov/foreigngifts/>.

¹⁹ Kakutani, *supra* note 3.

²⁰ UC Berkeley, "Establishment of a Jointly Operated Research and Education Institution with Tsinghua University in Shenzhen, China, Berkeley Campus," <https://regents.universityofcalifornia.edu/regmeet/july15/e2.pdf>.

With these concerns in mind, we respectfully request that you produce documents and information sufficient to respond to the following questions no later than July 27, 2023:

1. Please produce all documents regarding contractual or investment relationships between Berkeley and TBSI, the scope of technical collaboration, procedures for licensing intellectual property in or out, non-disclosure agreements imposed by TBSI, and the management structure of TBSI. Please also provide copies of any memorandum of understanding related to TBSI, feasibility studies for TBSI, approvals for formation of TBSI, and similar documentation, as well as any annual reports, balance sheets, business licenses, social credit reports, court or administrative judgments or decisions, capital examinations, or similar documents related to the operations and activities of TBSI.
2. Please provide copies of all meeting minutes for meetings among the regents of the University of California that mention TBSI.
3. The Chancellor of Berkeley is listed as the co-chair of the joint management committee of TBSI.²¹ Please describe her role at TBSI and any steps she has taken to ensure compliance with U.S. export controls, including any policies, procedures, memoranda, guidance documents, or internal controls implemented or communicated to relevant personnel, researchers, and students.
4. Please produce documents sufficient to show all compliance and due diligence mechanisms currently in place for research taking place at TBSI in the U.S. and in the PRC.
 - a. If compliance and due diligence mechanisms are currently in place, when were they implemented and by whom?
 - b. Was the University of California (UC) aware of Berkeley's collaboration with PRC universities on the Entity List? Did UC approve of this collaboration?
5. Was UC aware of the presence of representatives from companies on the Entity List on TBSI's Industrial Advisory Board? Did UC or UC Berkeley approve the board membership?
6. A TBSI team won a contest in April 2023 for 7 nanometer chip technology. Does Berkeley consider this activity to be in violation of the October 7th, 2022, restrictions on advanced chip manufacturing and research?²² Why or why not?
7. A 2018 Defense and Counterintelligence Security Agency document states that Tsinghua University has previously sought sensitive, dual-use, or export-controlled materials and

²¹ TBSI, <https://www.tbsi.edu.cn/4769/list.htm>.

²² TBSI, "TBSI RIOS Team Wins Innovation Contribution Award in OpenROAD 7nm Design Competition," <https://www.tbsi.edu.cn/2023/0412/c4940a62557/page.htm>; U.S. Department of Commerce, "Commerce Implements New Export Controls on Advanced Computing and Semiconductor Manufacturing Items to the People's Republic of China (PRC)," <https://www.bis.doc.gov/index.php/documents/about-bis/newsroom/press-releases/3158-2022-10-07-bis-press-release-advanced-computing-and-semiconductor-manufacturing-controls-final/file>.

components.²³ Has TBSI engaged in any research that could be, or has been, used by the PRC for military applications?

- a. Has TBSI fundamental research in the United States or elsewhere involved the use of export-controlled technologies or software?
 - b. Is TBSI conducting applied research in the PRC that would be covered by U.S. export control laws if this research were conducted in the United States?
 - c. Has any TBSI research generated technology or goods subject to export controls?
8. Please describe the process by which TBSI determines which research projects to undertake and which research areas to prioritize.
9. Please produce all records maintained regarding TBSI alumni and their current or past affiliations.
10. TBSI's Industrial Advisory Board features companies currently or formerly on the Commerce Department Entity List such as PRC telecom firms Huawei and ZTE.²⁴ Please describe the role these companies play in TBSI's operations and/or research.
- a. Has any of TBSI's research been sponsored by entities that are on the U.S. Entity List? If so, please provide a description of the sponsoring company and project.
 - b. Has any of TBSI's research been sponsored by PRC entities that are engaged in human rights abuses, such as Tencent?
11. How does Berkeley manage its interests in intellectual property co-developed with TBSI? Has TBSI licensed any intellectual property (patents, trade secrets, semiconductor layout designs, etc.)? Please describe, including by providing any Chinese or foreign patent numbers, any intellectual property that has been licensed, the terms of the license agreement and to whom the intellectual property has been licensed.
12. Please provide a list of any patents or patent applications made in China using technology provided by or developed cooperatively with TBSI that were filed anonymously in the Chinese patent office.
13. Has any PRC entity appropriated or attempted to appropriate intellectual property generated by Berkeley researchers for any reason? Please provide a detailed list of these intellectual property items, including any patent applications first filed in China for which the Chinese government denied approval for a foreign filing in the United States or elsewhere, whether or not any such intellectual property was misappropriated in China.
14. Please identify any Berkeley employees, contractors, or researchers involved with TBSI who have U.S. security clearances, or are subject to U.S. deemed export licenses, or otherwise have access to information which the United States protects from disclosure to foreign nationals or interests.

²³ Memorandum in Opposition – Document #360, <https://www.courtlistener.com/docket/15776817/360/united-states-v-yu/>.

²⁴ TBSI, "TBSI Faculty Overview," <http://www.tbsi.edu.cn/english/5063/list.htm>.

15. When applying for research funding from federal grant providing agencies, have Berkeley faculty members who work as core principal investigators (PIs) disclosed their involvement in TBSI and any financial compensation they received as consultants?
 - a. Please provide all proposals for federal funding awarded to Berkeley faculty members while working in any capacity for TBSI.
16. Please provide all contracts or agreements for Berkeley faculty members who have worked or are working as Core PIs, consultants, or in any other capacity at or for TBSI, including how much each has been paid.
17. Please list all organizations or individuals that provided funding for the salary of Berkeley Core PIs involved with TBSI.
18. Please advise if TBSI researchers have been subjected to any blocking orders from the PRC government to require them to perform tasks that are contrary to U.S. export control laws, such as providing assistance to North Korea, Russia, or Iran. Please describe any procedures in place for TBSI PIs to handle such potential conflicts.
19. Provide a list of any scientific publications in Chinese and English that were authored or co-authored by Berkeley researchers in collaboration with TBSI. Please note in this list any research that is published only in China and is not available outside of China due to restrictions imposed by China National Knowledge Infrastructure or other government authority.
20. Please provide a list of all foreign funding that Berkeley has received for TBSI since its inception, including the date received, amount, and source.
21. Please describe the process by which the University of California assesses whether to report TBSI funding or contracts under Section 117 of the Higher Education Act.
22. How much has Tsinghua Education Foundation North America (TEFNA) raised for TBSI from 2014 to date?
 - a. Has the University of California disclosed TEFNA's contributions to the Department of Education under Section 117? If not, why not?
 - b. Please list the specific research agreements that TEFNA has sponsored.
23. Please provide a translation of the Chinese language website of TBSI (<https://www.tbsi.edu.cn>) and explain the differences between that website and the English content, particularly regarding the technologies being researched and the role of Berkeley in the operation of TBSI.

The House Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party has broad authority to “investigate and submit policy recommendations on the status of the Chinese Communist Party’s economic, technological, and security progress and its competition with the United States” under H. Res. 11. Similarly, the

jurisdiction of the Committee on Education and the Workforce includes oversight of postsecondary education laws, including the Higher Education Act of 1965.²⁵ Upon receipt of this letter, please maintain and preserve all hard copy and electronic documents, including electronic communications, related to the subject matter of this letter.

To make arrangements to deliver a response, please contact Select Committee staff at (202) 226-9678 and the Committee on Education and the Workforce staff at (202) 226-8108.

Thank you for your attention to this important matter and your prompt reply.

Sincerely,

A handwritten signature in blue ink, appearing to read "AG", followed by a horizontal line.

Mike Gallagher
Chairman
Select Committee on China

A handwritten signature in blue ink, reading "Virginia Foxx", followed by a horizontal line.

Virginia Foxx
Chairwoman
Committee on Education & the Workforce

²⁵ Rule 2, Rules of the U.S. House Committee on Education and the Workforce, 118th Cong. at 2 (Jan. 31, 2023), https://edworkforce.house.gov/uploadedfiles/118th_ew_committee_rules.pdf; Rule 10, Rules of the U.S. House of Representatives, 118th Cong. at 7, 9-10 (Jan. 10, 2023), <https://ethics.house.gov/sites/ethics.house.gov/files/documents/118-House-Rules-Clerk.pdf>.